

PROGRESS REPORT ON STATEMENT OF NEED REGULATIONS

The Resource Development and Licensing Committee (RDLC), with assistance from Assistant Attorneys General from DHR, DJS and GOC, has been assigned responsibility to draft regulations for a Statement of Need process required by Senate Bill 782 (2008). The legislation was designed to ensure that in the future group homes are developed only in response to specific needs articulated by the Department of Human Resources and the Department of Juvenile Services.

The RDLC has met twice to discuss the requirements of the legislation, the methodology for determining need and to review draft regulations. The RDLC believes that there are two separate but interrelated tasks to be accomplished. One is to draft regulations to include a reference to a methodology through which needs will be determined and the other is to develop a methodology for identifying the Agencies' needs and creating a Statement of Need. Members of the committee feel strongly that there must be regular and predictable review of services available and a methodology for determining need for new services, particularly in light of the state's changing philosophy on service delivery, especially limiting the use of group care. These documents will be crafted simultaneously, with decisions about one process informing the other. In recognition of the sense of urgency on the part of the Departments to promulgate regulations and the time required for that process, the committee has agreed to draft regulations for approval by the Children's Cabinet first and complete the work on the methodology while the regulations are in process. Therefore, the committee has set the following timeline:

1. Draft regulations will be presented to CCRT on September 15, 2008.
2. RDLC will meet on September 15 after the CCRT meeting to make any changes recommended and to begin work on developing the methodology.
3. Draft regulations will be presented to the Children's Cabinet on September 25, 2008.
4. When the Children's Cabinet approves the regulations, they will be forwarded to AELR for publication.
5. While the regulations are in the AELR process, which takes a minimum of 97 days, the committee will complete work on the methodology for creating a statement of need.
6. If there are no problems with the AELR process, the regulations could go into effect as early as February 2009.